IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 713 of 1998

Between:

A.Shareef, S/o late Abdullah Shareef,

Aged 64 years, Occ:Lecturer in History of Art,

JNTU College of Fine Arts,

Mahaveer Marg, Hyderabad,

R/o Hanuman Tekdi, Hyderabad.

..... PETITIONER

AND

1. Jawaharlal Nehru Technological University,

rep. by its Registrar, Mahaveer Marg,

Hyderabad.

2. The Principal, Jawaharlal Nehru Technological

University College of Fine Arts,

Mahaveer Marg, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly a Writ in the nature of Mandamus, directing the respondents herein to regularize the service of the petitioner in the cadre of lecturer in respondent university in accordance with the

G.O.Ms.No.212 dated 22-04-1994 with all consequential benefits and attendant benefits including the counting of temporary services rendered for the purpose of pensionary benefits by holding action of respondents in not giving effect to the G.O.Ms.No.212 dated 22-04-1994 and for the failure to make provision for the post of lecturer in History of Art consequently to High Court order and contrary to AICTE staff pattern implemented.

Counsel for the Petitioner: MR.P.V.SANJAY KUMAR

Counsel for the Respondents: MR.K.RATANGAPANI REDDY

The Court made the following :

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ORDER:

This writ petition is filed seeking a Mandamus directing the respondents to regularize the services of the petitioner in the cadre of Lecturer in the respondents-university with all consequential benefits including sanction of pension in the cadre of Lecturer.

2. This is an unfortunate case wherein the petitioner having worked for more than thirty years as a Lecturer in the respondents-university his services were not regularised. The petitioner is holding three years certificate under Diploma Sculpture and M.A. History from Mysore University. Petitioner's qualifications fulfil the academic and provisional levels both of national and international standards. Earlier, he filed W.P.No.3688 of 1977 and the said writ petition was disposed of directing the respondents to implement the prescribed All India Counsel for Technical Education (AICTE) staff pattern for the staff of College of Fine Arts and to reorganize the existing staff in the said pattern. In pursuance to the same, Government of Andhra Pradesh issued G.O.Ms.No.39 dated 10-01-1979 and the said AICTE staff pattern was implemented. Out of seven posts assigned for lecturers in the above pattern, one post of lecturer was exclusively to be reserved for category of lecturer in History of Art. However, when the AICTE staff pattern was implemented and re-organisation of staff was undertaken, the post of Lecturer in History of Art was merged in the common category of lecturers and one of the incumbent staff at that time was appointed into that vacancy, which was exclusively earmarked for the lecturer in the subject of History of Art. Under these circumstances, at no point of time any attempt was made to make a provision for the post of Lecturer in History of Art for the purpose of recruitment. However, the University was extracting the prescribed syllabus of History of Art for all the three disciplines under Bachelor of

Fine Arts Course through petitioner by engaging him on consolidated pay. All his efforts to create regular post for Lecturer in History of Art failed and the regular vacancy in History of Art was converted into other discipline and the application of the petitioner was rejected. Even he was not called for interview. Under those circumstances, he filed the present writ petition seeking regularization of his services as per G.O.Ms.No.212 dated 22-04-1994.

3. Sri P.V.Sanjay Kumar, the learned counsel for the petitioner, fairly submits that after attaining the age of sixty four years, petitioner's services were dispensed with in view of the vacation of interim order passed by this Court. In view of the above, the only request of the petitioner is that the authorities may be directed to consider regularization of the petitioner's post with retrospective effect and also consider sanctioning of pensionary and other retirement benefits.

4. Admittedly, the services of the petitioner were not regularized though he worked for more than thirty years with all academic qualifications. It is no where denied that the petitioner did not work for thirty years as claimed by him. The only contention of the respondents is that he did not fit into the staff pattern and as such his services were not regularized. At this length of time, it is not necessary to go into all those aspects and it is suffice to direct the petitioner to make representation to the competent authority ventilating his grievances for the purpose of regularizing his services at least for grant of some pensionary and other retirement benefits. If any such application is made by the petitioner, the competent authority shall entertain and dispose of the same on merits within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No order as to costs.

(C.V.RAMULU, J.)

Dated 17-06-2005.

SKMR

..... REGISTRAR

To

1. Registrar, Jawaharlal Nehru Technological University,

Mahaveer Marg,

Hyderabad.

2. The Principal, Jawaharlal Nehru Technological

University College of Fine Arts,

Mahaveer Marg, Hyderabad.

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